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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/912,646	07/24/2001	Steve Walrath	APPDATA.001A	7751
20995	7590	11/18/2004	EXAMINER	
KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614			POLLACK, MELVIN H	
			ART UNIT	PAPER NUMBER
			2145	

DATE MAILED: 11/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/912,646

Applicant(s)

WALRATH, STEVE

Examiner

Melvin H Pollack

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 July 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 October 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>1/3/02</u> . | 6) <input checked="" type="checkbox"/> Other: <u>see attached office action</u> .       |

**DETAILED ACTION*****Drawings***

1. The drawings are objected to because of numerous problems with lettering and line quality, and because of dark areas in Figs. 17 and 18 that lead to illegibility. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

3. The abstract of the disclosure is objected to because it is too short. Correction is required. See MPEP § 608.01(b).

4. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 18 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. Claim 18 recites the limitation "method" in claim 1. There is insufficient antecedent basis for this limitation in the claim. Claim 1 is a system claim and not a method claim. Also, claim 18 appears to be a near-copy of claim 9, and such redundancies are inherently indefinite. For the purposes of examination, the examiner will assume that claim 18 is dependent on the method of claim 10.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1, 2, 4-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Hills et al.

(6,239,797).

10. For claim 1, Hills teaches a system (abstract) for providing a distributed software application (col. 1, line 5 – col. 2, line 20), comprising:

a. A server (Fig. 1, #24) comprising a stored electronic main page (Fig. 1, #20), wherein the main page comprises at least two browser components (Fig. 2, #40) for displaying additional electronic pages within the main page (Fig. 3, #122);

b. A client computer (Fig. 1, #32) comprising a browser program (Fig. 1, #38) configured to establish a communication link with the server (col. 2, lines 58 – col. 3, line 20) and display the stored electronic main page (col. 3, lines 35-60); and

c. At least one software control on the main page (Fig. 2, #50 and #52) for selecting one of the at least two browser components to display in the browser program (col. 3, lines 35-60).

11. For claim 2, Hills teaches that the main page is written in the Hypertext Markup Language (HTML) (col. 2, lines 1-10).

12. For claim 4, Hills teaches that the browser program is the Microsoft Internet Explorer browser program (col. 2, lines 59-60).

13. For claim 5, Hills teaches that the software control is an Active X control (col. 4, lines 15-20).

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14. For claim 6, Hills teaches that the Active X control is a command button control (Fig. 2, #52).

15. For claim 7, Hills teaches that the Active X control appears as a tab within the browser program (Fig. 2, #50).

16. For claim 8, Hills teaches that the software control is configured to store variable data to the client computer (col. 3, lines 22-32).

17. For claim 9, Hills teaches that the at least two browser components are part of a single software control (Fig. 1, #16).

18. Claims 10, 11, and 13-18 are drawn to a method that effectively describes the activities undertaken by the hardware system as drawn in claims 1, 2, and 4-9, respectively. It is well known in the art that the underlying method of a given system is functionally equivalent to said system. Therefore, since claims 1, 2, and 4-9 are rejected, then claims 10, 11, and 13-18 are also rejected for the reasons above. A teaching regarding the method/system equivalence is available upon request.

***Claim Rejections - 35 USC § 103***

19. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

20. Claims 3 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hills as applied to claims 1 and 10 above, and further in view of the MSHTML API Overview.

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21. For claim 3, Hills does not expressly disclose that the browser components comprise the Microsoft HTML parsing and rendering engine, but does disclose functionality (Fig. 3, #132) for Internet Explorer and Active X components (see above). The overview states, "The Microsoft HTML parsing and rendering engine (MSHTML) is the main HTML component of the Microsoft Internet Explorer Web browser. It hosts Microsoft ActiveX ® controls and supports the OLE Control 1996 (OC96) specification for windowless controls (P. 1, Para. 1)." At the time the invention was made, one of ordinary skill in the art would have recognized that using the IE browser and downloading Active X components requires the MSHTML component.

22. Claim 12 is drawn to a method that effectively describes the activities undertaken by the hardware system as drawn in claim 3. It is well known in the art that the underlying method of a given system is functionally equivalent to said system. Therefore, since claim 3 is rejected, then claim 12 is also rejected for the reasons above. A teaching regarding the method/system equivalence is available upon request.

### ***Conclusion***

23. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melvin H Pollack whose telephone number is (571) 272-3887. The examiner can normally be reached on 8:00-4:30 M-F.

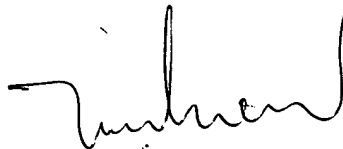
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MHP

09 November 2004

A handwritten signature in black ink, appearing to read 'Le Hien Luu', is written over a horizontal line.

LE HIEN LUU  
PRIMARY EXAMINER